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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,937	04/16/2008	Yoshimasa Tameishi	07200/082001	2367

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EXAMINER
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OSTERHOUT, BENJAMIN LEE

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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04/16/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
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<b>Office Action Summary</b>	Application No. 10/589,937	Applicant(s) TAMEISHI ET AL.	
	Examiner BENJAMIN OSTERHOUT	Art Unit 1792	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20081110, 20080721, 20060818</u> .                            | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract exceeds the maximum 150 word count. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

5. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).
2. Applicant should note that the drawings appear to have never been received. If Applicant has sent the drawings before, please resubmit said drawings.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application Publication No. 54-11751 to Shibata et al.

5. Shibata et al. teaches a dishwashing machine (English translation, claim 1, line 1, provided by Applicant); a washing water pipe (Fig. 2, part 11) in the washing chamber (Fig. 2, part 1, generally) on which the washing nozzles are installed (Fig. 2, part 12); a rinsing water pipe (Fig. 2, part 15) arranged within the washing water pipe on which the rinsing nozzles are installed (Fig. 2, part 16); the washing water pipe is also connected to a washing water outlet provided on the pump chamber (Fig. 2, part 2); and the rinsing water pipe passes through the washing water outlet, penetrating the casing, and connects to a rinsing water outlet which one of ordinary skill in the art realizes that a rinsing water supply pump exists to pump the rinsing water but is not illustrated in the Figures.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application Publication No. 54-11751 to Shibata et al. in view of Japanese Patent Application Publication No. 4-40931 to Masataka et al.

8. Regarding claims 1 and 2, Shibata et al. teaches a dishwashing machine (English translation, claim 1, line 1, provided by Applicant); a washing water pipe in the washing chamber on which the washing nozzles are installed (Fig. 2, part 12); a rinsing water pipe arranged within the washing water pipe on which the rinsing nozzles are installed (Fig. 2, part 16); the washing water pipe is also connected to a first connecting pipe (Fig. 2, part 11) which is connected to a washing water outlet provided on the pump chamber (Fig. 2, part 2) of the washing water supply pump (Fig. 2, part 9); and the rinsing water pipe is also connected to a second connecting pipe (Fig. 2, part 15) which is arranged within the first pipe which is connected to a rinsing water outlet which one of ordinary skill in the art realizes that a rinsing water supply pump exists to pump the rinsing water but is not illustrated in the Figures. Shibata does not teach that the washing water pipe is removably attached to the washing water outlet/pipe and that the rinsing water pipe is removably attached to the rinsing water outlet/pipe.

9. Masataka et al. teaches a dishwasher (Fig. 1, generally) wherein the water supply pipes are detachable/attachable (English translation, Abstract, Purpose, ll. 1-6; Fig. 2, generally, Fig. 1, parts 11 and 13).

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10. Because both Shibata et al. and Masataka et al. teach how a dishwasher water supply pipe may be attached to the water outlet/pipe (permanent vs. removable), it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one way of attaching the pipe for the other to achieve the predictable result of supplying water to the supply pipes in order to clean the dishes within the dishwasher.

11. Furthermore, let it be noted that the MPEP is very clear that making components separable may not rise to the level of non-obviousness if it were desirable for any reason to obtain access to a component. See MPEP 2144.04 V, C.

12. Regarding claim 3, Shibata et al. teaches that the first connecting pipe (Fig. 2, part 11) is provided on a casing (Fig. 2, part 2) that houses an impeller (Fig. 2, part 7) of the washing water supply pump (Fig. 2, part 9), and that the second connecting pipe (Fig. 2, part 15) extends from within the first connecting pipe through the casing to the outlet supply of the rinsing water supply pump which is not shown, but however, one of ordinary skill realizes exists in order to pump the rinsing water.

13. Regarding claim 4, Shibata et al. teaches that the casing (Fig. 2, part 2) houses an impeller (Fig. 2, part 7) of the washing water supply pump (Fig. 2, part 9), and that the washing water pipe (Fig. 2, part 12) is connected to the first connecting pipe (Fig. 2, part 11) provided on the casing (Fig. 2, part 2). Shibata et al. does not teach that the casing is removably attached. However, the MPEP is very clear that making components separable may not rise to the level of non-obviousness if it were desirable for any reason to obtain access to a component. See MPEP 2144.04 V, C. Therefore, one of ordinary skill in the art realizes that it may be necessary to gain access to the

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impeller or internal components of the washing water supply pump and in doing so it may be necessary to removably attach the casing. Applicant should note that novelty does not equate to patentability, the invention must also be non-obvious. Applicant has yet to show non-obviousness through—for instance—a secondary consideration.

14. Regarding claim 6, Shibata et al. is relied upon as above in claim 5. Shibata does not teach that the washing water pipe is removably attached to the washing water outlet and the other end is removably connected to a washing nozzle; and that the rinsing water pipe is removably attached to the rinsing water outlet and the other end is removably connected to a rinsing nozzle.

15. Masataka et al. teaches a dishwasher (Fig. 1, generally) wherein the water supply pipes are detachable/attachable (English translation, Abstract, Purpose, ll. 1-6; Fig. 2, generally, Fig. 1, parts 11 and 13, provided by Applicant).

16. Because both Shibata et al. and Masataka et al. teach how a dishwasher water supply pipe may be attached to the water outlet/pipe (permanent vs. removable), it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one way of attaching the pipe for the other to achieve the predictable result of supplying water to the supply pipes in order to clean the dishes within the dishwasher.

### ***Conclusion***

17. Furthermore, let it be noted that the MPEP is very clear that making components separable may not rise to the level of non-obviousness if it were desirable for any reason to obtain access to a component. See MPEP 2144.04 V, C.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN OSTERHOUT whose telephone number is (571)270-7379. The examiner can normally be reached on Monday-Thursday 8:30am-3:30pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Perrin/  
Joseph L. Perrin, Ph.D.  
Primary Examiner  
Art Unit 1792

/BLO/

Benjamin L. Osterhout  
07 April 2009